

§ 668.340 What are INA grantee allowable activities?

(a) The INA grantee may provide any services consistent with the purposes of this section that are necessary to meet the needs of Native Americans preparing to enter, reenter, or retain unsubsidized employment. (WIA sec. 166(d)(1)(B).) Comprehensive workforce investment activities authorized under WIA section 166(d)(2) include:

(b) Core services, which must be delivered in partnership with the One-Stop delivery system, include:

- (1) Outreach;
- (2) Intake;
- (3) Orientation to services available;
- (4) Initial assessment of skill levels, aptitudes, abilities and supportive service needs;
- (5) Eligibility certification;
- (6) Job Search and placement assistance;
- (7) Career counseling;
- (8) Provision of employment statistics information and local, regional, and national Labor Market Information;
- (9) Provision of information about filing of Unemployment Insurance claims;
- (10) Assistance in establishing eligibility for Welfare-to-Work programs;
- (11) Assistance in establishing eligibility for financial assistance for training;
- (12) Provision of information about supportive services;
- (13) Provision of performance and cost information relating to training providers and training services; and
- (14) Follow-up services.

(c) Allowable intensive services which include:

- (1) Comprehensive and specialized testing and assessment;
- (2) Development of an individual employment plan;
- (3) Group counseling;
- (4) Individual counseling and career planning;
- (5) Case Management for seeking training services;
- (6) Short term pre-vocational services;
- (7) Work experience in the public or private sector;
- (8) Tryout employment;
- (9) Dropout prevention activities;

- (10) Supportive services; and
- (11) Other services identified in the approved Two Year Plan.

(d) Allowable training services which include:

- (1) Occupational skill training;
- (2) On-the-job training;
- (3) Programs that combine workplace training with related instruction, which may include cooperative education programs;
- (4) Training programs operated by the private sector;
- (5) Skill upgrading and retraining;
- (6) Entrepreneurial and small business development technical assistance and training;
- (7) Job readiness training;
- (8) Adult basic education, GED attainment, literacy training, and English language training, provided alone or in combination with training or intensive services described paragraphs (c)(1) through (11) and (d)(1) through (10) of this section;
- (9) Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of training; and
- (10) Educational and tuition assistance.

(e) Allowable activities specifically designed for youth are identified in section 129 of the Act and include:

- (1) Improving educational and skill competencies;
- (2) Adult mentoring;
- (3) Training opportunities;
- (4) Supportive services, as defined in WIA section 101(46);
- (5) Incentive programs for recognition and achievement;
- (6) Opportunities for leadership development, decision-making, citizenship and community service;
- (7) Preparation for postsecondary education, academic and occupational learning, unsubsidized employment opportunities, and other effective connections to intermediaries with strong links to the job market and local and regional employers;
- (8) Tutoring, study skills training, and other drop-out prevention strategies;
- (9) Alternative secondary school services;

Employment and Training Administration, Labor

§ 668.350

(10) Summer employment opportunities that are directly linked to academic and occupational learning;

(11) Paid and unpaid work experiences, including internships and job shadowing;

(12) Occupational skill training;

(13) Leadership development opportunities, as defined in 20 CFR 664.420;

(14) Follow-up services, as defined in 20 CFR 664.450;

(15) Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral; and

(16) Information and referral.

(f) In addition, allowable activities include job development and employment outreach, including:

(1) Support of the Tribal Employment Rights Office (TERO) program;

(2) Negotiation with employers to encourage them to train and hire participants;

(3) Establishment of linkages with other service providers to aid program participants;

(4) Establishment of management training programs to support tribal administration or enterprises; and

(5) Establishment of linkages with remedial education, such as Adult Basic Education (ABE), basic literacy training, and English-as-a-second-language (ESL) training programs, as necessary.

(g) Participants may be enrolled in more than one activity at a time and may be sequentially enrolled in multiple activities.

(h) INA grantees may provide any services which may be carried out by fund recipients under any provisions of the Act. (WIA sec. 166(d).)

(i) In addition, INA grantees must develop programs which contribute to occupational development, upward mobility, development of new careers, and opportunities for nontraditional employment. (WIA sec. 195(1).)

§ 668.350 Are there any restrictions on allowable activities?

(a) All occupational training must be for occupations for which there are employment opportunities in the local area or another area to which the participant is willing to relocate. (WIA sec. 134(d)(4)(A)(iii).)

(b) INA grantees must provide OJT services consistent with the definition provided in WIA section 101(31) and other limitations in the Act. Individuals in OJT must:

(1) Be compensated at the same rates, including periodic increases, as trainees or employees who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills (WIA sec. 181(a)(1)); and

(2) Be provided benefits and working conditions at the same level and to the same extent as other trainees or employees working a similar length of time and doing the same type of work. (WIA sec. 181(b)(5).)

(c) In addition, OJT contracts under this title must not be entered into with employers who have:

(1) Received payments under previous contracts and have exhibited a pattern of failing to provide OJT participants with continued, long-term employment as regular employees with wages and employment benefits and working conditions at the same level and to the same extent as other employees working a similar length of time and doing the same work; or

(2) Who have violated paragraphs (b)(1) and/or (2) of this section. (WIA sec. 195(4).)

(d) INA grantees are prohibited from using funds to encourage the relocation of a business, as described in WIA section 181(d) and 20 CFR 667.268.

(e) INA grantees must only use WIA funds for activities which are in addition to those that would otherwise be available to the Native American population in the area in the absence of such funds. (WIA sec. 195(2).)

(f) INA grantees must not spend funds on activities that displace currently employed individuals, impair existing contracts for services, or in any way affect union organizing.

(g) Under 20 CFR 667.266, sectarian activities involving WIA financial assistance or participants are limited in accordance with the provisions of 29 CFR 37.6(f). (WIA sec. 181(b).)